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9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF WASHINGTON

11 NATIONAL SHOOTING SPORTS  
12 FOUNDATION,

13 Plaintiff,

14 v.

15 ROBERT W. FERGUSON,  
16 ATTORNEY GENERAL OF THE  
17 STATE OF WASHINGTON,

18 Defendant.

No. 2:23-cv-00113-MKD

JOINT MOTION TO EXCEED  
PAGE LIMITS AND EXTEND  
DEADLINES FOR MOTION FOR  
PRELIMINARY INJUNCTION  
AND RELATED BRIEFING

06/01/2023

Without Oral Argument

17 Plaintiff National Shooting Sports Foundation (“NSSF”) challenges the  
18 constitutionality of Washington’s new “public nuisance” law, SB 5078, and argues  
19 that SB 5078 is preempted by federal law. Plaintiff NSSF and Defendant Attorney  
20 General Robert Ferguson (collectively, the “Parties”) bring this joint motion  
21 regarding Plaintiff’s planned motion for a preliminary injunction.

22 Plaintiff intends to file a Motion for Preliminary Injunction in this matter and  
23 Defendant intends to oppose it. The Parties anticipate needing more than the 10  
24 pages allowed under LCR 7(f)(2)–(3) to adequately address the legal standard for  
25 seeking a preliminary injunction. The Parties jointly request, pursuant to LCR

JOINT MOTION TO EXCEED  
PAGE LIMITS AND EXTEND  
DEADLINES - 1

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1 7(f)(5), that the Court expand the page limits for Plaintiff's Motion for Preliminary  
2 Injunction, Defendant's Response, and Plaintiff's Reply, for the reasons and in the  
3 manner set forth below.

4 Plaintiffs' Motion (and subsequent briefing) will involve a preliminary  
5 examination of the merits of Plaintiffs' claims. SB 5078 regulates the selling,  
6 manufacturing, and advertising of firearms and related products. Under SB 5078,  
7 those activities may violate Washington law if that conduct is found to "contribute  
8 to a public nuisance." §2(3). Because the law was recently enacted, there is no  
9 controlling precedent applying it.

10 Plaintiffs have challenged SB 5078 on multiple independent grounds  
11 (preemption; violations of the Commerce Clause, First Amendment, Second  
12 Amendment, and Fourteenth Amendment) and intend to move for a preliminary  
13 injunction on all grounds. The 10 pages allowed by LCivR 7(f) is not adequate to  
14 brief Plaintiff's likelihood of success on the merits along with the remaining  
15 preliminary injunction factors. Defendant will likewise need adequate space to  
16 adequately address these issues and respond to Plaintiff's arguments.

17 Accordingly, the Parties have conferred and jointly submit that good cause  
18 exists to modify the page limits as indicated below, and respectfully ask the Court  
19 to grant the following page limits:

- 20 • Plaintiff's Motion for Preliminary Injunction: 30 pages
- 21 • Defendant's Response: 30 pages
- 22 • Plaintiff's Reply: 15 pages

23 Pursuant to LCR 7(c)(2)(B) and LCR 7(d)(2)(B), a response shall normally be  
24 filed within 14 days after the filing of a nondispositive motion, and a reply shall  
25 normally be filed within 7 days after the filing of the response. The Parties have

1 conferred and jointly request that the Court extend the time for the Parties to file  
2 response and reply briefs, as detailed below:

- 3 • Defendant's Response to be due 28 days after the filing of Plaintiff's
- 4 Motion for Preliminary Injunction;
- 5 • Plaintiff's Reply to be due 14 days after the filing of Defendant's
- 6 Response.

7 For the foregoing reasons, the Parties respectfully request that the Court grant  
8 their joint motion.

9 DATED this 2nd day of May, 2023.

10 CORR CRONIN LLP

11  
12 s/ Steven W. Fogg

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**CERTIFICATE OF SERVICE**

I hereby certify that on (Date), I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

DATED at Seattle, Washington on 2nd day of May, 2023.

/Megan Johnston

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